

Proceedings of the consultation with the Principal Secretaries, the Principal Chief Conservators of Forests and the Chief Wildlife Wardens of all states / UTs on the recommendation of National Forest Commission-New Delhi, 16 October, 2006

A consultation with all the States/UTs and relevant Central Ministries was held on 16th October 2006 to finalize the views on the recommendations of the National Forest Commission. It was attended by Principal/Forest Secretaries, PCCFs, CWLWs, representatives from other Ministries and officers of MoEF. The Draft Proceedings of the Conference are as follows: -

1. Back ground of National Forest Commission

Pursuant upon the recommendation made by the Indian Board of Wildlife in its 21st meeting held on 21 January 2002 under the chairmanship of Hon'ble Prime Minister of India, Government of India resolved to constitute a National Forest Commission (NFC) to review the working of the forest and wildlife sector. For the fulfillment of the above resolution, the Ministry of Environment and Forests constituted the NFC to review the working of the forest and wildlife sector, with the following Terms of Reference.

- Review and assess the existing policy and legal framework and their impact in a holistic manner from the ecological, economic, social and cultural viewpoint.
- Examine the current status of forest administration and the forestry institutions both at all India and State level to meet the emerging needs of the civil society.
- Make suggestions indicating specific policy options for achieving sustainable forest and wildlife management and ecological security.
- Suggest ways and means to make forest administration more effective with a view to help achieve the above policy options.
- Establish meaningful partnership and interface between forestry management and local communities including the tribals.

2. The composition of the Commission is as follows: -

1. Justice B.N. Kirpal, ex-Chief Justice of India, Chairman (Part-time)
2. Director General of Forests and Special Secretary, MoEF, Member
3. Prof. J. S. Singh, Banaras Hindu University, Member (Part-time)
4. Sh. Chandi Prasad Bhatt, Member (Part-time)
5. Dr. M. K Ranjitsinh, Member, (Part-time)
6. Sh. A. P. Muthuswami, Member, (Part-time)
7. Addl. Director General of Forest, (FC), MoEF, Member Secretary

3. Methodology of NFC

- Obtained responses of the general public through public notices.
- Obtained responses from selected target groups through replies of questionnaires.

- ❑ Interacting with various stakeholders including State Governments, local communities, non-governmental organizations, institutions, individuals, etc., through visit to the various places.
- ❑ Soliciting the views of various Ministries of the Government of India.

The Report of NFC was submitted to Prime Minister on 28th March, 06. The report has 23 chapters, dealing with various subjects like “Forest Policy”, “Legal Framework”, “Forest Administration”, “Personnel Management”, “Forest of North East”, “Agro Forestry & Social Forestry”, “Forests in National Resource Accounting”, “Financial Support” etc. All together the commission has given 360 recommendations.

16th October 2006 - Fore noon session

The meeting began at 9 30 A.M. Forest Secretaries, PCCFs and CWLWs of States/UTs participated in the proceedings. Representatives from Ministry of Agriculture, Ministry of Rural Development, Central Statistical Organization and Planning Commission and special invitees were also participated in the deliberations.

In his Opening remarks, Dr.Prodipto Ghosh, Secretary E&F stressed on the need of the forestry sector to align with the rapid changes taking place in the socio-economic environment outside. Secretary also requested the participants to debate on further moving forward on the recommendations of the Commission.

In his general remarks, Shri.J.C.Kala, Director General of Forests & Special Secretary reiterated the role of forestry sector in poverty alleviation and ensuring livelihood security to forest dependent communities. He also observed that the presence of large number of recommendations put forth by the Commission, in fact, reflects on the complex nature of the forestry sector.

Thereafter, Shri. J.V.Sharma, Deputy Inspector General of Forests (Forest Policy) introduced the salient features of the recommendations, which is given below: (the serial number of the recommendation as contained in Chapter 23 of the commission report is given in paranthesis)

- ❑ No change is needed in National Forest Policy, 1988. Recommendations of NFC may be implemented within the broad parameters of the existing policy(3)
- ❑ States/UTs should have its own forest policy statement for the sustainable management of its forest and wildlife resources. (4)
- ❑ There should not be any dilution to Forest Conservation Act,1980 (13)
- ❑ Amendment is recommended to the provisions of Indian Forest Act, 1927(6)
- ❑ Creation of sub-cadre for Wildlife has been dissented by four members out of seven members of the Commission. (307, 308 ,309 &310)
- ❑ Proposed Scheduled Tribes (Reorganization of Forest Right) Bill is harmful to forest conservation & ecological security of the Nation (340 to 345)
- ❑ Periodic review of the list of endangered species contained in Wildlife (Protection) Act, is required.(14)
- ❑ States/UTs need to assess the demand and supply of wood, and also the capacity of saw mills (10)
- ❑ A separate Department of Forests and Wildlife within the Ministry of Environment and Forests should be created to ensure adequate importance and attention to the management of natural resources. (285)

- ❑ Minimum 2.5% of National budget should be allocated to forest & wildlife sector.

He also highlighted various recommendations where action is required at the Central / State / and at the level of other Central Ministries. The details are given as under:

A. Recommendations pertaining mainly to other Ministries in Government of India

- A policy to regulate inter-state movement of livestock to enable the States to control grazing pressure on eco-sensitive areas. (16)
(**Action:** MoA, MoEF and State/UT Governments)
- Providing alternate energy such as LPG to rural areas and forest fringe villages (20, 31, 32)
(**Action:** Ministry of Petroleum, MoF, MNES & MoEF)
- There should be appropriate rural development and animal husbandry policies and projects to address issues of grazing and fodder for cattle (28).
(**Action:** MoA, MoRD & MoEF)
- ❑ Control use of Pesticides & Insecticides (55, 56, 57)
(**Action:** MoA and Ministry of Chemicals & Fertilizers)
- ❑ Institutional mechanism to empower Coastal Guards to enforce the Wildlife (Protection) 1972 (76).
(**Action:** MoD, MoEF and State/UTs)
- ❑ Revision of text books to incorporate aspects of Forest, Wildlife & Eco-system Conservation (93)
(**Action:** MoHRD, MoEF & State / UTs)
- ❑ Incorporating forest & Wildlife Conservation in Training Institutes of Civil Servant & Armed forces (95)
(**Action:** MoD, MoHA, DoPT & State/UTs)
- ❑ A Forest Conservation Fund should be created to ensure adequate financial resources for forest and wildlife management through levy of a *cess* on sale of forest produce. Revenue generated from lease of mines in forest areas should be credited to the Forest Conservation Fund.
(**Action:** Ministry of Mines, MoEF, Ministry of Coal, Ministry of Commerce and Industry and MoF)
- ❑ Initiating conservation programme of select species by Indian Armed Forces and para-military forces (188/189)
(**Action:** MoHA, MoD & MoEF)
- ❑ Contribution in prevention of smuggling of wildlife and forest produce by para-military forces (190/191 & 205)
(**Action:** MoHA, MoD & State / UTs)
- ❑ The Central Government and the North-Eastern Council must play a much more proactive role in forest conservation and in the phasing out of shifting cultivation. This would include greater financial allocations, more schemes for

afforestation, regeneration, eco-development, agriculture, animal husbandry and development of local arts and crafts. (198)

(Action: MoEF, MoA, MoI & DONER)

- ❑ Disputed boundaries between the North-eastern States have created problems of lack of control, resulting in encroachment and illicit felling. Boundary disputes must be settled as urgently as possible, under the aegis of Government of India (204).

(Action: MoHA & DONER)

- ❑ Import of timber and timber duty to be regulated to keep agro-forestry remunerative (222).

(Action: Ministry of Commerce and Industry & MoEF)

- ❑ Liberal credit facility at the lower rate of interest for agro-forestry/ farm forestry (230).

(Action: Ministry of Finance & MOEF)

- ❑ Director General of ICFRE should be made equivalent to the level of Secretary to Govt. of India (255).

(Action: DOPT & MOEF)

- ❑ A separate Department of Forests and Wildlife within the Ministry of Environment and Forests should be created to ensure adequate importance and attention to the management of natural resources. (285)

(Action: MoEF & Cabinet Secretariat)

- ❑ In States where the backlog of pending cases pertaining to forest offences is especially large, the High Court could be requested to appoint special courts to hasten the process of law (293)

(Action: Ministry of Law & Justice, MoEF & States / UTs)

- ❑ Establishment of a forum for periodic discussion between Ministry of Environment and Forest, Ministry of Commerce and Industry and recognized associations of wood-based industries, to review and evolve a rational import export policy and review tariff rates keeping in view local demand, supply and market conditions, would be useful (320)

(Action: MoEF, Ministry of Commerce and Industry & State/UTs.)

- ❑ Need of National level coordination committee for forest resource accounting (FRA) and contribution of forest ecosystem including ecological services should be counted to GDP (331,332,333,334 &335)

(Action: MoEF, Ministry of Statistics and Programme Implementation, Planning Commission & CSO)

- ❑ Forest-rich States, which are having forest/tree cover more than the target fixed in the National Forest Policy, 1988, should be provided special incentives to maintain that area under forest/tree cover, but their demand for compensation cannot be acceded (337).

(Action : MoEF, Planning Commission and Finance Commission.)

- ❑ Allocation to the forestry sector must be increased to 2.5 percent of total plan outlay (Rc.No.247)

(Action : Planning Commission.)

- ❑ Rural Development Programme, Disaster Management Programme & National Rural Employment Guarantee Act (NREGA) should include forestry component (352, 353 & 357)

(Action : MoRD, MHA, MoEF & Panchayati Raj)

- ❑ Currently, industries pay a 2% cess on water, which goes to the concerned Pollution Control Boards. However, water is a commodity that is regulated by forests and most rivers have their upper catchments in forests. At least half of the 2% cess should go to the concerned SFDs or, more appropriately, the cess be enhanced to 4% with half going to SFDs (358).

(Action : MoEF, State/UT Governments)

B. Recommendations pertaining mainly to State/UT Governments

- ❑ Need for forestry policy statement by States (4)
- ❑ Land Ceiling Act needs to be amended for tree planting (9)
- ❑ Grass land needs protection (15 & 66)
- ❑ Sale of fuel-wood by individual must be stopped (33)
- ❑ Forest Fire be declared as disaster (51)
- ❑ Power to declare ecologically sensitive areas should be with the State Government. (158)
- ❑ *Jhumias* be weaned away from shifting cultivation (192, 193)
- ❑ Constitution of Village Forest Committees and creating democratic forestry institutions (DFIs) (206 & 207)
- ❑ Mandate of State Forest Corporation be changed (282 & 283)
- ❑ Filling of posts in forestry institutions (284)
- ❑ Creation of Forest Service Beneficiary Fund (291)
- ❑ Demarcation of forest boundaries be completed (297)
- ❑ Requisition of staff & vehicle for non-forestry purpose be avoided (298)
- ❑ Creation of forestry housing corporation (300)
- ❑ Preference for B.Sc. (Forestry) for selection of forest officers (301 & 302)
- ❑ Filling the vacant post in forest department (304 & 305)
- ❑ Frontline staff to get at least two promotions in their entire career span (312)
- ❑ Integration of forestry research & training (313)
- ❑ Creating of structure of field functionaries in NCT Delhi (315)
- ❑ Relaxing felling and transit regulations for trees grown on private land(7,8)

He also informed the gathering that the recommendations in general are agreeable to MoEF except those pertaining to the creation of a sub cadre for wildlife (75,137,307,308,309 &310), on which dissent note has been given by majority members of NFC. The meeting recommended against the creation of sub cadre for wildlife.

He further clarified that MoEF is not in a position to comment on recommendations (340-345) on Schedule Tribe (Recognition of Forest Rights) Bill, as Ministry of Tribal Affairs has been authorized to deal with this matter.

The representatives from the States/UTs and other Central Ministries actively took part in the ensuing discussion. Except those recommendations which are given at (75,137,307,308,309 &310), there was unanimous agreement by all participants. There was also a general consensus that there need to be a

prioritization among the 360 recommendations for the immediate attention of Prime Minister.

The representative of the Ministry of Rural Development disagreed on the recommendation no.285 regarding suggestion on the transfer of National Wasteland Development Board to MoEF. However, other Ministries and State/UT Governments supported this recommendation.

In view of the general consensus on prioritizing the recommendations, the following recommendations are suggested for prioritized action:

1. The allocation to the forestry sector must be increased, both in central and State budgets, and must not be less than 2.5% of the total plan outlay. [347]
2. A Forest Conservation Fund should be created to ensure adequate financial resources for forest and wildlife management through levy of a *cess* on sale of forest produce. Revenue generated from lease of mines in forest areas should be credited to the Forest Conservation Fund. Contributions to be made to the Forest Conservation Fund by corporate companies or individuals should be exempt from income tax. [102]
3. A separate Department of Forests and Wildlife within the Ministry of Environment and Forests should be created to ensure adequate importance and attention to the management of natural resources. Forestry related subjects of biodiversity, mangroves, wetlands, medicinal plants, forestry issues under climate change and combating desertification, which are being dealt mostly by the forest departments in the State governments, should be transferred to the proposed new department, from the Environment Wing. This department should also handle coastal development, National Wasteland Development Board and watershed management in areas having forests, as well as coastal conservation involving the biota. The new department also needs to be given adequate resources to fulfill its duties. [285]
4. Forests should be classified on the basis of their status, such as pristine, climax, managed and degraded forests. There is a need to undertake scientific research to assess the optimum forest/tree cover in a given area according to the forest type and topography to meet the intended objectives. The quality of the forest should also be classified as 'open forest', 'dense forests' and 'very dense forests' and the rest may be in the form of grassland, glacier, desert, etc. Extent of forest cover in recorded forest boundaries needs to be separated from tree cover due to plantations of species such as coffee, tea, apple, mango, palm, orange, etc, as well as to exotics like lantana. [1]
5. In respect of the Wild Life (Protection) Amendment Act, 2002,
 - a) List of endangered species in different schedules needs to be periodically reviewed
 - b) Species may be added or deleted to the list on the basis of review
 - c) Rules for community reserves and Conservation Reserves need to be framed. [14]

6. Bamboo is the most versatile crop of the North-East and its management and protection can be best served if the propagation, cultivation, management, harvesting, value addition and marketing is done through a “mission mode” and the mandate is with the Ministry of Environment and Forests, Government of India. Bamboo is a fire-succession plant and grows profusely in the North-East. There must be facilities for its commercial usage. [195]

C. Creation of a separate National Parks Service

The forenoon session also deliberated on the proposal of creating a National Parks Service as a separate All India Service. This issue was discussed in the 3rd meeting of National Board for Wild Life. The meeting unanimously disagreed to the proposal to create a separate National Parks Service as an All India Service on account of the following reasons:

- Maximum floral and faunal biodiversity exists in the forest areas which may not necessarily fall under only in protected area (NP&Sancturies)
- Around 60% of the wildlife exists out side PAs and some even outside forest areas
- IFS officers are given extensive training to manage both forest and wildlife areas. As conservation of wildlife is inseparable from the conservation of their habitat, the officer in charge of the protected areas will have to be trained to conserve the forests as well.
- Encouraging specialization within IFS can address the concerns behind crating a separate National Park Service.

- Even sub-cadre issue for wildlife has not been agreed upon by the majority members of the National Forest Commission.

D. Forest Conservation Act, 1980

The issues related to Forest Conservation Act, 1980 were discussed in the afternoon session. IG (FC), in his presentation, highlighted the fact that FC Act is only regulatory, not prohibitory in nature. FC Act is not an impediment to any developmental activity. GoI grants the permission for the diversion of forestland for developmental purposes on merit, mainly on case to case basis. He also requested State/UT Governments to submit quarterly report on the general approval granted under FC Act, 1980.

It was stressed upon by IGF (FC) that due to coming in force of Forest (Conservation) Act, 1980, rate of diversion of forest land for non-forestry uses has come down substantially without halting the process of development. This regulatory mechanism has cut down the avoidable diversion of forest land vis-à-vis the pre- Act period.

Some State/UT Governments have requested GOI to decentralize the powers under the FC Act to State/UT Governments. After detailed discussion, it was agreed that decentralization of powers under FC Act (except those general approval already granted for limited period), would be against the interests of conservation of forests.
